

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the
Certification to Conduct Gambling Activities of:

Esther Cardenas Estrella
Rochester, Washington

Class III Employee.

) NO. CR 2010-01159

) **NOTICE OF ADMINISTRATIVE**
) **CHARGES AND OPPORTUNITY**
) **FOR AN ADJUDICATIVE**
) **PROCEEDING**
)

I.

The Washington State Gambling Commission issued certification¹ number 69-31804, to Esther Cardenas Estrella authorizing Class III Employee activity with the Chehalis Confederated Tribes.

The certification expires on September 2, 2011, and was issued subject to Esther Cardenas Estrella's compliance with the Chehalis Confederated Tribes Tribal/State Compact and state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges Esther Cardenas Estrella with the following violations of the Chehalis Confederated Tribes Tribal/State Compact, Washington State Gambling Act, 9.46 RCW, WAC Title 230:

1) In September 2010, Esther Cardenas Estrella applied for and received a Class III Employee certification. In the Criminal History Statement section of her application, Ms. Cardenas Estrella answered "No," indicating that she did not have any criminal history. Ms. Cardenas Estrella signed the Oath of Applicant declaring that, under penalty of perjury, her answers were true and she understood that untruthful or misleading answers are cause for denial of application or revocation of certification.

2) After Ms. Cardenas Estrella was issued a certification, a Commission Special Agent (agent) further investigated Ms. Cardenas Estrella's criminal history. The agent found that she failed to disclose the following criminal convictions:

- In 2009, Assault, Fourth Degree, Domestic Violence;
- In 2008, Assault, Fourth Degree, Domestic Violence; and

¹ Class III Certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

- In 2007, Malicious Mischief, Third Degree, Domestic Violence.

The 2009 and 2008 Assault, Fourth Degree, Domestic Violence convictions involve physical harm to her mother.

3) The agent contacted the Licensing Supervisor for the Chehalis Tribal Gaming Agency about Ms. Cardenas Estrella's undisclosed criminal history. The Licensing Supervisor told the agent that Ms. Cardenas Estrella disclosed her criminal history on her Tribal License application. The Licensing Supervisor did not know why Ms. Cardenas Estrella did not disclose her criminal history on the Class III Employee certification application.

4) Because she failed to provide information reasonably required to investigate the application for state certification or to reveal any fact material to such application, Ms. Cardenas Estrella received a certification through fraud, misrepresentation, concealment or through inadvertence or mistake.

5) Because of her criminal history involving physical harm to a person and her failure to disclose and misrepresentation of her criminal history on her application for certification, Ms. Cardenas Estrella poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities.

6) As a result of her actions, Ms. Cardenas Estrella has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1). Therefore, under Section V(C) of Chehalis Confederated Tribes Tribal/State Compact, RCW 9.46.075(1), (3), (4), (7), and (8) and WAC 230-03-085(1), (2), and (8), grounds exist to revoke Esther Cardenas Estrella's certification.

Section V(C) of Chehalis Confederated Tribes Tribal/State Compact

The State Gaming Agency² may revoke, suspend or deny a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when an applicant or holder of certification:

(The following subsections apply.)

(1) Is determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming activities permitted pursuant to this Compact; or the person has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal/State Compact.

² Washington State Gambling Commission, as referred to in the Chehalis Confederated Tribes Tribal/State Compact, Section II (T).

(2) Has failed to provide any information reasonably required to investigate the application for state certification or to reveal any fact material to such application, or had furnished any information which is untrue or misleading in connection with such application.

RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake.
- (4) Has been convicted of a crime, whether a felony or misdemeanor involving physical harm to individuals.
- (7) Makes a misrepresentation of, or fails to disclose, a material fact to the Commission.
- (8) Fails to prove, by clear and convincing evidence, that she is qualified in accordance with the provisions of this chapter.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (2) Has been convicted of or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person.
- (8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

Jurisdiction of this proceeding is based on the Chehalis Confederated Tribes Tribal/State Compact, 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)



RICK DAY, DIRECTOR

Michelle M. Pardoe
NOTARY PUBLIC in and for the State of

Washington residing at LACEY
My commission expires on June 16, 2013

Dated at Olympia, Washington this 22 day of October, 2010

A circular notary seal for Michelle M. Pardee, a Notary Public in the State of Washington. The seal features her name "MICHELLE M. PARDEE" at the top, "COMMISSION EXPIRES" in the middle, "NOTARY" above a horizontal line, and "PUBLIC" below it. The date "JUNE 18, 2013" and "STATE OF WASHINGTON" are at the bottom. The entire seal is surrounded by a decorative border of small dots.